

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:15-HC-2213-D

CHARLES EVERETTE HINTON, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 FRANK L. PERRY, )  
 )  
 Respondent. )

**ORDER**

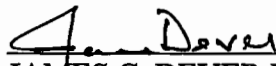
On April 11 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation ("M&R") [D.E. 14]. In the M&R Judge Numbers recommended that Charles Everett Hinton's ("Hinton" or "petitioner") petition for writ of habeas corpus under 28 U.S.C. § 2254 be dismissed as frivolous, or alternatively, as successive. M&R [D.E. 14] 3. Judge Numbers also recommended that the court deny Hinton's Application for Writ of Habeas Corpus Ad Testificandum and Subpoenas Duces Tecum and Ad Testificandum [D.E. 3], Notice and Motion to Join Party and Schedule Case for Trial [D.E. 7], Motion and Notice Request for the Court to Appoint a Guardian Ad Litem for Hinton [D.E. 8], Notice and Motion for Leave to Show Cause [D.E. 11], Notice and Motion for an Order to Stay Criminal Judgments and Sentences [D.E. 12], and Notice and Motion for Joinder of Claims [D.E. 13]. See M&R 1–2. Neither party objected to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration, emphasis, and quotation omitted). Absent a timely objection, "a district court

need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, and the pleadings. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R. The court DENIES a certificate of appealability. See 28 U.S.C. § 2254(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This 20 day of May 2016.

  
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JAMES C. DEVER III  
Chief United States District Judge